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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

* * *

In re:

CAPRIATI CONSTRUCTION CORP. INC.

CASE NO.: BK-15-15722-abl

Debtor.

Chapter 11

**AMENDED - APPLICATION FOR ORDER SHORTENING TIME FOR HEARING
ON MOTION FOR RECONSIDERATION**

Capriati Construction Corp. Inc., the Debtor and the Debtor in possession (“Debtor”) in the above-referenced bankruptcy case, by and through her counsel of record, the law firm of Kung & Brown, hereby submits this Application For Order Shortening Time For Hearing on Debtor’s Motion for Reconsideration (the “Motion”). This Application is made and based upon the attached points and authorities, the Declaration of A.J. Kung, Esq. (the “Kung Declaration”) in support hereof, and the pleadings and papers on file herein.

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1 WHEREFORE, Debtor, respectfully requests that this Honorable Court hear its
2 Application For Order Shortening Time For Hearing on Debtor's Motion for Reconsideration,
3 and grant Debtors request for an expedited hearing on or before June 29, 2017, or such other
4 and further relief as may be just and proper.
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6 DATED this 23rd day of June, 2017.
7

8 KUNG & BROWN
9

10 By:
11

12 A.J. Kung, Esq.
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I.

POINTS AND AUTHORITIES

Debtor, by and through its attorneys, the law firm of Kung and Brown, hereby submits this Application For Order Shortening Time For Hearing on Debtor's Motion for Reconsideration (the "Motion").

This Application is based upon the Kung Declaration in support hereof affixed to this Application as Exhibit of "A" and incorporated by reference herein.

This request for shortened time results from the fact that the deadline to appeal the Court's Order [ECF No. 894] entered on June 16, 2017, **expires on June 30, 2017** (14 days from the entry of the Order).

The proposed order shortening time will not adversely impact any party's ability to respond to the Motion, since the parties have had notice of the Motion as described above. Further, the proposed shortening of time will still allow for compliance with Rule 4001 (d) of the Federal Rules of Bankruptcy Procedure (the "Rules"), which provides that objections, if any, to the Motion may be filed and served on the Debtor within the time fixed by the Court. Fed.R.Bankr.P. 4001(d)(2).

The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.

Federal Rules of Bankruptcy Procedure 9006 (c)(1) and (d) authorize a court to reduce the time for a hearing, and a party to file an ex parte motion to shorten the time for a hearing.

Rule 9006 (c)(1) provides in relevant part:

(1) In General. Expect as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

1 Fed.R.Bankr.P. 9006 (c)(1).

2 Courts have generally acknowledged that such expedited relief does not violate due
3 process rights, even if the motion to shorten time is made ex parte. Rule 9006(c)(1) (emphasis
4 added). "Bankruptcy Rule 9006(c) permits the bankruptcy court 'for cause shown' in its
5 discretion, with or without motion or notice, to reduce the notice period, and ex parte motions for
6 material reductions in the notice period are routinely granted by bankruptcy courts." Hester v.
7 NCNB Texas Nat'l Bank (In re Hester), 899 F.2d 361, 364 n. 3 (5th Cir.1990); see also 9 Collier
8 on Bankruptcy 9006.07 (Lawrence P. King. Ed., 15th ed. 1995). See, e.g. In re Gledhill, 76 F.3d
9 1070 (10th Cir. [Utah] 1996).

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12 The Court's decision to reduce the notice period under Rule 9006 is essential in order for
13 the Debtor to operate his businesses and manage his properties.

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15 Debtor's Counsel has consulted the noticed parties for purposes of the Order Shortening
16 Time as indicated on the Attorneys Information Sheet, filed concurrently herewith, and
17 incorporated herein by reference.

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1 II.
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CONCLUSION

4 Debtor respectfully requests that the Court entertain this matter on an order shortening
5 time so that the Debtor can seek reconsideration from this Court prior to, or in lieu of, appealing
6 the order to the Bankruptcy Appellate Panel or Federal District Court.

7 DATED this 23rd day of June, 2017.
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9 KUNG & BROWN
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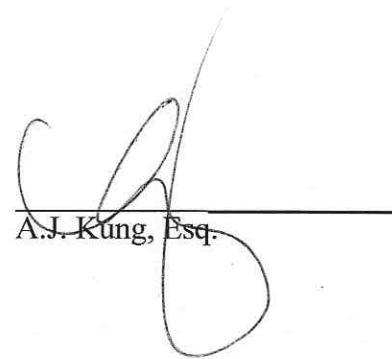
1 EXHIBIT "A"

2 DECLARATION AFFIRMING REQUESTED RELIEF

3 I, A.J. Kung, Esq., declare under penalty of perjury that I am competent to make this
4 declaration under the laws of the United States and the State of Nevada; that I have read the
5 above Ex Parte Application to Shorten Time and that the facts stated therein are true and correct.
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8 DATED this 23rd day of June, 2017.

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11 A.J. Kung, Esq.
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